

STEPHEN C. MACKEY
TOWE, BALL, ENRIGHT, MACKEY
& SOMMERFELD, P.L.L.P.
P.O. Box 30457
Billings, MT 59107-0457
(406) 248-7337
I.D. Number 931
Attorneys for Creditor Robert Sumpter

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

| | | |
|--|---|----------------------------|
| In re |) | |
| YELLOWSTONE MOUNTAIN CLUB, LLC, |) | Case No. 08-61570-11 |
| Debtor. |) | Jointly Administered with: |
| In re: |) | |
| YELLOWSTONE DEVELOPMENT, LLC, |) | Case No. 08-61571-11 |
| Debtor. |) | |
| In re |) | |
| BIG SKY RIDGE, LLC, |) | Case No. 08-61572-11 |
| Debtor. |) | |
| In re |) | |
| YELLOWSTONE CLUB CONSTRUCTION COMPANY, LLC, |) | Case No. 08-61573-11 |
| Debtor. |) | |

**BRIEF IN SUPPORT OF SUMPTER'S MOTION TO PERMIT DISCOVERY, AND
TO CONTINUE HEARING OR SHORTEN TIME TO ANSWER DISCOVERY**

Robert Sumpter has moved this Court for the Court to continue the hearing set for February 11, 2010 on the fee application of Parsons, Behle and Latimer or,

alternatively to shorten the time for serving the responses to discovery. The reason for this request is that Local Rule 9014-1 permits a party to request, and the Court to allow, discovery to be promulgated in contested matter under Bankruptcy Rule 7033, 7034 and 7036. Such discovery is being proposed by this creditor to the fee applicant. The usual time of 30 days to answer discovery does not remain before the February 11, 2010 date set for the hearing. Hence, a continuance of the hearing, or an order shortening time, is necessary.

The discovery is attached to the accompanying motion, and addresses issues that are central to the issues raised in the objection and relevant to the applicant's entitlement to the requested fees. Said firm has filed papers which reveals that it has been, and is, representing individual creditors or a group thereof and advancing their interests, has not filed for appearance pro hac vice to represent those individual creditors, while still representing what it denotes as the ad hoc Creditors Committee which is the successor in interest of the UCC, and appears not have been acting for the interests of all creditors represented by the Committee, but was advancing the interests of specific creditors or parties in interest, and discriminating against this unsecured creditor.

WHEREFORE, the undersigned requests that the Court permit the discovery, and either continue the hearing as requested or order the time shortened pursuant to Bankruptcy Rule 7033 (a)(2), 7034 (b)(2)(A) and 7036(a)(3), and for such other relief as the Court deems just and equitable.

DATED this 21st day of January, 2010.

/s/ Stephen C. Mackey
STEPHEN C. MACKEY
Attorney for Bob Sumpter/Party in Interest

CERTIFICATE OF SERVICE

I hereby certificate, under penalty of perjury that, on January 21, 2010, a copy of the foregoing was served on the following persons by the following means:

1. 2. CM/ECF
 Hand Delivery
 Mail
 Overnight Delivery Service
 Fax
 E-Mail

1. U. S. Trustee
2. All persons/entities requesting special notice or otherwise entitled to same.

/s/ Stephen C. Mackey
Stephen C. Mackey
Attorney for Robert Sumpter/Party in Interest